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In re Application of
McEntee
Application No. 10/691,037
Filed: 10-21-2003
Attorney Docket No. 10004031-23

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 14, 2007, requesting that the Office withdraw the holding of abandonment in the above-identified application.

On June 19, 2006, the Office mailed a final Office action, which set a three (3) month shortened statutory period for reply. On August 9, 2006, petitioner submitted an amendment in response to the final Office action; however, the examiner found that the amendment did not *prima facie* place the application in condition for allowance. An Advisory Action was mailed on August 23, 2006. On September 18, 2006, petitioner filed a Request for Continued Examination (RCE) and an authorization to charge the necessary fees. Despite the filing of the reply, the Office mailed a Notice of Abandonment on January 23, 2007.

The final Office Action of June 19, 2006, set a three-month shortened statutory period for reply (i.e. on or before September 19, 2006). The record indicates that petitioner submitted a timely reply in the form of an RCE and fee on September 18, 2006, within the shortened statutory period. Additionally, the amendment submitted on August 9, 2006, is an appropriate submission under 37 CFR 1.114. Accordingly, the petition is granted. The Notice of Abandonment was sent in error and is hereby withdrawn.

This matter will be referred to Technology Center Art Unit 1733 for processing of the RCE and the submission in response to the final Office action.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

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